

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAWRENCE TOOLE,

Plaintiff,

-against-

9:04-CV-0724
(LEK/DEP)

SUSAN A. CONNELL, et al.,

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on August 1, 2008, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 62).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Peebles' Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

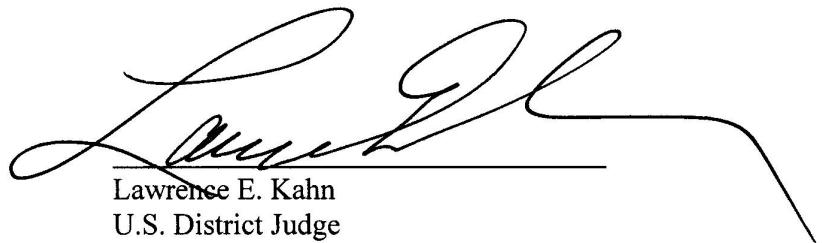
ORDERED, that the Report-Recommendation (Dkt. No. 62) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further
ORDERED, that Defendant's Motion for summary judgment (Dkt. No. 53) is **GRANTED**; and it is further

ORDERED, that the remaining claims contained within the Plaintiff's Complaint (Dkt. No. 1) are **DISMISSED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 10, 2008
Albany, New York



A handwritten signature in black ink, appearing to read "Lawrence E. Kahn". Below the signature is a horizontal line, and underneath the line is the printed name "Lawrence E. Kahn" followed by "U.S. District Judge".